

24 September 2020

## MEMORANDUM

**FROM:** Olivia Cook

**TO:** Andrew Parrish

**SUBJECT:** Recommended changes to the Canterbury freshwater plans pursuant to Clause 20A of Schedule 1 to the Resource Management Act 1991 (RMA)

The National Policy Statement for Freshwater Management 2020 (NPSFM 2020) directs Councils to 'give effect' to its provisions 'as soon as reasonably practicable' and to notify freshwater plans that give effect to the NPSFM 2020 by 31 December 2024.

Regional councils are directed to incorporate clauses 3.22(1), 3.24(1) and 3.26(1) of the NPSFM 2020, or words to the same effect, into relevant regional plans.

The incorporation of provisions from a national policy statement into regional plans requires Council approval<sup>1</sup>. At a Council meeting on 24 September 2020, Council resolved to incorporate clauses 3.22(1), 3.24(1) and 3.26(1) into relevant regional plans. A copy of the Council resolution is attached as Appendix 1.

Consequential changes to regional plans are now required. These changes include renumbering and relocating existing plan provisions and other minor changes (e.g. changes to the table of contents of each plan).

The authority to correct minor errors in a plan is provided for through Clause 20A of Schedule 1 to the RMA. Clause 20A of Schedule 1 to the RMA states:

*"A local authority may amend, without using the process in this schedule, an operative policy statement or plan to correct any minor errors"*

In addition, Part 4.3(3) of the NPSFM 2020 states:

*"If a local authority chooses to amend an operative policy statement or plan by merely changing wording or terminology for consistency with this National Policy Statement, the amendment is to be treated as the correction of a minor error (and therefore, under clause 20A of Schedule 1 of the Act, the amendment can be made without using a process in that Schedule)."*

Table 1 below sets out corrections to regional plans that are required as a consequence of incorporating clauses 3.22(1), 3.24(1) and 3.26(1) of the NPSFM 2020.

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<sup>1</sup> Refer to page 49 of the Council's Delegation Manual.

Recommended deletions are shown in ~~strike through~~ and recommended insertions shown in underline. Text indicated in grey highlighting indicates clauses from the NPSFM 2020 that have been with the Council's resolution.

| Plan Name                                      | Recommended text and location   | Reason  |
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| Canterbury Land and Water Regional Plan (LWRP) | Amend the Table of Contents in the Plan to reflect the insertion of new Section 2A.   | Amendments to the Table of Contents are required as a consequence of the changes described below.   |
|  | <p>After Section 1.3 (Key Management Responses for Land and Water) and before Section 2 (How the Plan Works &amp; Definitions), insert a new section titled as follows:</p> <p><u>Section 2A – National direction.</u></p> <p><u>This section of the Plan contains provisions that have been incorporated into the Plan in accordance with directions in a national policy statement, national planning standard or other national direction.</u></p> | <p>Sections 55(2) and s558(1)(2) of the RMA state that if a national policy statement or national planning standard so directs, local authorities must amend planning documents to incorporate specific provisions. Once these provisions have been incorporated they cannot be amended through future plan changes.</p> <p>The inclusion of this new section and explanatory text will assist plan users to distinguish provisions incorporated in response to 'national direction' from other provisions in the Plan.</p> |
|  | <p>Insert the following text into Section 2A of the Plan:</p> <p><u>Objectives</u></p> <p><u>2A.1</u> The passage of fish is maintained, or is improved, by instream structures, except where it is desirable to prevent the passage of some fish species in order to protect desired fish species, their life stages, or their habitats.</p>   | The NPSFM 2020 directs councils to incorporate provisions into regional plans. Council has approved the incorporation of the text in grey, and minor changes to the Plan (e.g. a new subheading and objective number) are required.   |
|  | <p>Insert the following text into Section 2A of the Plan:</p> <p><u>Policies</u></p> <p>Relocate existing Policies 4.8A and 4.8B beneath the subheading and renumber as Policies 2A.1 and 2A.2</p>  | <p>Policies A4 and B7 were incorporated into the LWRP in accordance with directions in the NPSFM 2014 (amended 2017). These policies are currently located within the 'strategic policies' section of the Plan.</p> <p>Section 2A of the Plan is a more appropriate location for these policies given the</p>   |

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|  | <p>Insert the following text into Section 2A of the plan, under the heading 'Policies'.</p> <p><u>2A.3</u></p> <p>The loss of extent of natural inland wetlands is avoided, their values are protected, and their restoration is promoted, except where:</p> <p>(a) the loss of extent or values arises from any of the following:</p> <ul style="list-style-type: none"> <li>(i) the customary harvest of food or resources undertaken in accordance with tikanga Māori</li> <li>(ii) restoration activities</li> <li>(iii) scientific research</li> <li>(iv) the sustainable harvest of sphagnum moss</li> <li>(v) the construction or maintenance of wetland utility structures (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020)</li> <li>(vi) the maintenance or operation of specified infrastructure, or other infrastructure (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020)</li> <li>(vii) natural hazard works (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020); or</li> </ul> <p>(b) the regional council is satisfied that:</p> <ul style="list-style-type: none"> <li>(i) the activity is necessary for the construction or upgrade of specified infrastructure; and</li> <li>(ii) the specified infrastructure will provide significant national or regional benefits; and</li> <li>(iii) there is a functional need for the specified infrastructure in that location; and</li> <li>(iv) the effects of the activity are managed through applying the effects management hierarchy.</li> </ul> | <p>purpose and title of that section.</p> <p>The NPSFM 2020 directs councils to incorporate provisions into regional plans. Council has approved the incorporation of the text in grey, and minor changes to the Plan (e.g. policy numbers) are required</p> |
|  | <p>Insert the following text into Section 2A of the plan, under the heading 'Policies'.</p> <p><u>2A.4</u> The loss of river extent and values is avoided, unless the council is satisfied:</p> <ul style="list-style-type: none"> <li>(a) that there is a functional need for the activity in that location; and</li> <li>(b) the effects of the activity are managed by applying the effects management hierarchy.</li> </ul>   | <p>The NPSFM 2020 directs councils to incorporate provisions into regional plans. Council has approved the incorporation of the text in grey, and minor changes to the Plan (e.g. policy numbers) are required.</p>  |

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| <p>Waipara Catchment Environmental Flow and Water Allocation Regional Plan</p> | <p>After Part 5 (Issues) and before Part 6 (Objectives and Policies), insert a new section titled as follows:</p> <p><u>Part 5A – National Direction.</u></p> <p><u>This section of the Plan contains provisions that have been incorporated into the Plan in accordance with directions in a national policy statement, national planning standard or other national direction</u></p>   | <p>Sections 55(2) and s558(1)(2) of the RMA state that if a national policy statement or national planning standard so directs, local authorities must amend planning documents to incorporate specific provisions. Once these provisions have been incorporated they cannot be amended through future plan changes.</p> <p>The inclusion of this new section and explanatory text will assist plan users to distinguish provisions incorporated in response to 'national direction' from other provisions in the plan.</p> |
|  | <p>Amend the Table of Contents of the Plan to reflect the insertion of new Section 5A.</p>  | <p>Amendments to the Table of Contents are required as a consequence of the changes described below.</p>  |
|  | <p>Insert the following sub-heading into Section 2A of the Plan.</p> <p><u>Policies</u></p> <p>Relocate Policies A4 and B7 in the operative Plan to beneath this new sub-heading and renumber as Policies 5A.1 and 5A.2</p>   | <p>Policies A4 and B7 were incorporated into the Plan in accordance with directions in the NPSFM 2014 (amended 2017).</p> <p>A more appropriate location for these policies is within Section 5A of the Plan.</p>   |
|  | <p>Insert the following text into Section 5A of the plan, under the heading 'Policies'.</p> <p>(a) the loss of extent or values arises from any of the following:</p> <ul style="list-style-type: none"> <li>(i) the customary harvest of food or resources undertaken in accordance with tikanga Māori</li> <li>(ii) restoration activities</li> <li>(iii) scientific research</li> <li>(iv) the sustainable harvest of sphagnum moss</li> <li>(v) the construction or maintenance of wetland utility structures (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020)</li> <li>(vi) the maintenance or operation of specified infrastructure, or other infrastructure (as</li> </ul> | <p>The NPSFM 2020 directs councils to incorporate provisions into regional plans. Council has approved the incorporation of the text in grey, and minor changes to the Plan (e.g. policy numbers) are required.</p>   |

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|                                 | <p>defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020</p> <p>(vii) natural hazard works (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020); or</p> <p>(b) the regional council is satisfied that:</p> <p>(i) the activity is necessary for the construction or upgrade of specified infrastructure; and</p> <p>(ii) the specified infrastructure will provide significant national or regional benefits; and</p> <p>(iii) there is a functional need for the specified infrastructure in that location; and</p> <p>(iv) the effects of the activity are managed through applying the effects management hierarchy.</p> |  |
|                                 | <p>Insert the following text into Section 5A of the plan, under the heading 'Policies'.</p> <p><b>5A.4</b> The loss of river extent and values is avoided, unless the council is satisfied:</p> <p>(a) that there is a functional need for the activity in that location; and</p> <p>(b) the effects of the activity are managed by applying the effects management hierarchy.</p>  | <p>The NPSFM 2020 directs councils to incorporate provisions into regional plans. Council has approved the incorporation of the text in grey, and minor changes to the Plan (e.g. a policy number) are required.</p> |
| Waimakariri River Regional Plan | <p>Amend the Table of Contents of the Plan to reflect the insertion of new Section 3A.</p>  | <p>Amendments to the Table of Contents are required as a consequence of the changes described below.</p>   |
|                                 | <p>Insert a new line into Chapter 1.1 of the Plan as follows:</p> <p>Chapter 3 describes the Waimakariri River Catchment where this Plan applies and outlines the characteristics and resource values of the catchment.</p> <p><u>Chapter 3A contains provisions that have been inserted into the plan in accordance with national direction</u></p> <p><b>Part 2 Issue Resolution</b></p>  | <p>This section of the plan provides an overview of the chapter contents. Amendments to this section are required as a consequence of the insertion of new Chapter 3A.</p>   |
|                                 | <p>Within Part 1 of the Plan, and after Chapter 3.3. (Other Resource values of the Waimakariri River Catchment), insert the following new chapter:</p> <p><u>Chapter 3A – National Direction.</u></p> <p><u>This section of the Plan contains provisions that have been incorporated into the Plan in</u></p>   | <p>Sections 55(2) and s558(1)(2) of the RMA state that if a national policy statement or national planning standard so directs, local authorities must amend their planning</p>                                      |

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|  | <p><u>accordance with directions in a national policy statement, national planning standard or other national direction.</u></p>  | <p>documents to incorporate specific provisions. Once these provisions have been incorporated they cannot be amended through future plan changes.</p> <p>The inclusion of this new section and explanatory text will assist plan users to distinguish provisions incorporated in response to 'national direction' from other provisions in the plan.</p> |
|  | <p>Insert the following sub-heading and text into Section 3A of the Plan.</p> <p><u>Objectives</u></p> <p><u>3A.1</u> The passage of fish is maintained, or is improved, by instream structures, except where it is desirable to prevent the passage of some fish species in order to protect desired fish species, their life stages, or their habitats.</p>   | <p>The NPSFM 2020 directs councils to incorporate provisions into regional plans. Council has approved the incorporation of the text in grey, and minor changes to the Plan (e.g. a new subheading and objective number) are required.</p>   |
|  | <p>Insert the following sub-heading into Section 2A of the Plan.</p> <p><u>Policies</u></p> <p>Relocate Policies A4 and B7 in the operative Plan to beneath this new subheading and renumber as Policies 3A.1 and 3A.2</p>  | <p>Policies A4 and B7 were incorporated into the Plan in accordance with directions in the NPSFM 2014 (amended 2017).</p> <p>A more appropriate location for these policies is within Section 3A of the Plan.</p>  |
|  | <p><u>3A.3</u></p> <p>(a) the loss of extent or values arises from any of the following:</p> <ul style="list-style-type: none"> <li>(i) the customary harvest of food or resources undertaken in accordance with tikanga Māori</li> <li>(ii) restoration activities</li> <li>(iii) scientific research</li> <li>(iv) the sustainable harvest of sphagnum moss</li> <li>(v) the construction or maintenance of wetland utility structures (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020)</li> <li>(vi) the maintenance or operation of specified infrastructure, or other infrastructure (as defined in the Resource Management</li> </ul> | <p>The NPSFM 2020 directs councils to incorporate provisions into regional plans. Council has approved the incorporation of the text in grey, and minor changes to the Plan (e.g. policy numbers number) are required.</p>   |

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|                                  | <p>(National Environmental Standards for Freshwater) Regulations 2020</p> <p>(vii) natural hazard works (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020); or</p> <p>(b) the regional council is satisfied that:</p> <ul style="list-style-type: none"> <li>(i) the activity is necessary for the construction or upgrade of specified infrastructure; and</li> <li>(ii) the specified infrastructure will provide significant national or regional benefits; and</li> <li>(iii) there is a functional need for the specified infrastructure in that location; and</li> <li>(iv) the effects of the activity are managed through applying the effects management hierarchy.</li> </ul> |  |
|                                  | <p>Insert the following text into Section 3A of the plan, under the heading 'Policies'.</p> <p><u>3A.4</u> The loss of river extent and values is avoided, unless the council is satisfied:</p> <ul style="list-style-type: none"> <li>(a) that there is a functional need for the activity in that location; and</li> <li>(b) the effects of the activity are managed by applying the effects management hierarchy.</li> </ul>   | <p>The NPSFM 2020 directs councils to incorporate provisions into regional plans. Council has approved the incorporation of the text in grey, and minor changes to the Plan (e.g. a new policy number) are required.</p>   |
| <p>Opihi River Regional Plan</p> | <p>Amend the Table of Contents of the Plan to reflect the insertion of new Section 4A.</p> <p>Within Part 2 (Issue Resolution) and before Chapter 4 (Summary of Resource Management Issues), insert a new section titled as follows:</p> <p><u>Chapter 4A – National Direction.</u></p> <p><u>This section of the Plan contains provisions that have been incorporated into the Plan in accordance with directions in a national policy statement, national planning standard or other national direction.</u></p>  | <p>Amendments to the Table of Contents are required as a consequence of the changes described below.</p> <p>Sections 55(2) and s558(1)(2) of the RMA state that if a national policy statement or national planning standard so directs, local authorities must amend their planning documents to incorporate specific provisions. Once these provisions have been incorporated they cannot be amended through future plan changes.</p> <p>The inclusion of this new section and explanatory text will assist plan users to distinguish provisions incorporated in response to 'national direction' from other provisions in the Plan.</p> |

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|  | <p>Insert the following sub-heading into Section 4A of the Plan.</p> <p><u>Policies</u></p> <p>Relocate Policies 4.8A and 4.8B in the operative Plan to beneath this new subheading and renumber as Policies 4A.1 and 4A.2</p>   | <p>Policies A4 and B7 were incorporated into the ORRP (and numbered as Policies 4.8A and 4.8B) in accordance with directions in the NPSFM 2014 (amended 2017).</p> <p>A more appropriate location for these policies is in Section 4A of the Plan</p> |
|  | <p>Insert the following text into Section 4A of the plan, under the heading 'Policies'.</p> <p><u>4A.3</u></p> <p>(a) the loss of extent or values arises from any of the following:</p> <ul style="list-style-type: none"> <li>(i) the customary harvest of food or resources undertaken in accordance with tikanga Māori</li> <li>(ii) restoration activities</li> <li>(iii) scientific research</li> <li>(iv) the sustainable harvest of sphagnum moss</li> <li>(v) the construction or maintenance of wetland utility structures (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020)</li> <li>(vi) the maintenance or operation of specified infrastructure, or other infrastructure (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020</li> <li>(vii) natural hazard works (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020); or</li> </ul> <p>(b) the regional council is satisfied that:</p> <ul style="list-style-type: none"> <li>(i) the activity is necessary for the construction or upgrade of specified infrastructure; and</li> <li>(ii) the specified infrastructure will provide significant national or regional benefits; and</li> <li>(iii) there is a functional need for the specified infrastructure in that location; and</li> <li>(iv) the effects of the activity are managed through applying the effects management hierarchy.</li> </ul> | <p>The NPSFM 2020 directs councils to incorporate provisions into regional plans. Council has approved the incorporation of the text in grey, and minor changes to the Plan (e.g. new policy numbers) are required.</p>                               |
|  | <p>Insert the following text into Section 4A of the plan, under the heading 'Policies'.</p>  | <p>The NPSFM 2020 directs regional councils to incorporate clause 3.24(1)</p>   |

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|                                       | <p><u>4A.4</u> The loss of river extent and values is avoided, unless the council is satisfied:</p> <p>(a) that there is a functional need for the activity in that location; and</p> <p>(b) the effects of the activity are managed by applying the effects management hierarchy.</p>  | into relevant regional plans as a new policy.   |
| Hurunui and Waiau River Regional Plan | Amend the Table of Contents of the Plan to reflect the insertion of new Section 2A.   | Amendments to the Table of Contents are required as a consequence of the changes described below.   |
|                                       | <p>After Part 1 (Introduction) and before Chapter 2 (Objectives and Policies), insert a new section titled as follows:</p> <p><u>Part 2A – National Direction.</u></p> <p><u>This section of the Plan contains provisions that have been incorporated into the Plan in accordance with directions in a national policy statement, national planning standard or other national direction.</u></p> | <p>Sections 55(2) and s558(1)(2) of the RMA state that if a national policy statement or national planning standard so directs, local authorities must amend their planning documents to incorporate specific provisions. Once these provisions have been incorporated they cannot be amended through future plan changes.</p> <p>The inclusion of this new section and explanatory text will assist plan users to distinguish provisions incorporated in response to 'national direction' from other provisions in the plan.</p> |
|                                       | <p>Insert the following sub-heading into Section 4A of the Plan.</p> <p><u>Policies</u></p> <p>Relocate Policies A4 and B7 in the operative Plan to beneath this new sub-heading and renumber as Policies 2A.1 and 2A.2</p>   | <p>Policies A4 and B7 were incorporated into the Plan in accordance with directions in the NPSFM 2014 (amended 2017).</p> <p>A more appropriate location for these policies is within Section 2A of the Plan.</p>   |
|                                       | <p>Insert the following text into Section 2A of the plan, under the heading 'Policies'.</p> <p><u>2A.3</u></p> <p>(a) the loss of extent or values arises from any of the following:</p> <p>(i) the customary harvest of food or resources undertaken in accordance with tikanga Māori</p> <p>(ii) restoration activities</p>   | The NPSFM 2020 directs councils to incorporate provisions into regional plans. Council has approved the incorporation of the text in grey, and minor changes to the Plan (e.g. new policy numbers) are required.  |

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|  | <ul style="list-style-type: none"> <li>(iii) scientific research</li> <li>(iv) the sustainable harvest of sphagnum moss</li> <li>(v) the construction or maintenance of wetland utility structures (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020)</li> <li>(vi) the maintenance or operation of specified infrastructure, or other infrastructure (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020)</li> <li>(vii) natural hazard works (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020); or</li> </ul> <p>(b) the regional council is satisfied that:</p> <ul style="list-style-type: none"> <li>(i) the activity is necessary for the construction or upgrade of specified infrastructure; and</li> <li>(ii) the specified infrastructure will provide significant national or regional benefits; and</li> <li>(iii) there is a functional need for the specified infrastructure in that location; and</li> <li>(iv) the effects of the activity are managed through applying the effects management hierarchy.</li> </ul> |  |
|  | <p>Insert the following text into Section 2A of the plan, under the heading 'Policies'.</p> <p><u>2A.4</u> The loss of river extent and values is avoided, unless the council is satisfied:</p> <ul style="list-style-type: none"> <li>(a) that there is a functional need for the activity in that location; and</li> <li>(b) the effects of the activity are managed by applying the effects management hierarchy.</li> </ul>   | <p>The NPSFM 2020 directs councils to incorporate provisions into regional plans. Council has approved the incorporation of the text in grey, and minor changes to the Plan (e.g. new policy number) are required.</p>   |
| <p>Pareora Catchment Environmental Flow and Water Allocation Regional Plan</p> | <p>Amend the Table of Contents of the Plan to reflect the insertion of new Section 5A.</p> <p>After Part 5 (Issues) and before Part 6 (Objectives and Policies), insert a new section titled as follows:</p> <p><u>Part 5A – National Direction.</u></p> <p><u>This section of the Plan contains provisions that have been incorporated into the Plan in accordance with directions in a national policy statement, national planning standard or other national direction.</u></p>   | <p>Amendments to the Table of Contents are required as a consequence of the changes described below.</p> <p>Sections 55(2) and s558(1)(2) of the RMA state that if a national policy statement or national planning standard so directs, local authorities must amend their planning documents to incorporate specific provisions. Once these provisions have been incorporated they cannot be</p> |

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|  |  | <p>amended through future plan changes.</p> <p>The inclusion of this new section and explanatory text will assist plan users to distinguish provisions incorporated in response to 'national direction' from other provisions in the plan.</p> |
|  | Amend the Table of Contents of the Plan to reflect the insertion of new Section 5A.  | Amendments to the Table of Contents are required as a consequence of the changes described below.  |
|  | <p>Insert the following sub-heading into Section 4A of the Plan.</p> <p><u>Policies</u></p> <p>Relocate Policies A4 and B7 in the operative Plan to beneath this new subheading and renumber as Policies 5A.1 and 5A.2</p>   | <p>Policies A4 and B7 were incorporated into the Plan in accordance with directions in the NPSFM 2014 (amended 2017).</p> <p>A more appropriate location for these policies is within Section 5A of the Plan.</p>                              |
|  | <p>Insert the following text into Section 5A of the plan, under the heading 'Policies'.</p> <p><u>5A.3</u></p> <p>(a) the loss of extent or values arises from any of the following:</p> <ul style="list-style-type: none"> <li>(i) the customary harvest of food or resources undertaken in accordance with tikanga Māori</li> <li>(ii) restoration activities</li> <li>(iii) scientific research</li> <li>(iv) the sustainable harvest of sphagnum moss</li> <li>(v) the construction or maintenance of wetland utility structures (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020)</li> <li>(vi) the maintenance or operation of specified infrastructure, or other infrastructure (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020)</li> <li>(vii) natural hazard works (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020); or</li> </ul> <p>(b) the regional council is satisfied that:</p> <ul style="list-style-type: none"> <li>(i) the activity is necessary for the construction or upgrade of specified infrastructure; and</li> </ul> | <p>The NPSFM 2020 directs councils to incorporate provisions into regional plans. Council has approved the incorporation of the text in grey, and minor changes to the Plan (e.g. new policy numbers) are required.</p>                        |

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|  | <ul style="list-style-type: none"> <li>(ii) the specified infrastructure will provide significant national or regional benefits; and</li> <li>(iii) there is a functional need for the specified infrastructure in that location; and</li> <li>(iv) the effects of the activity are managed through applying the effects management hierarchy.</li> </ul>   |   |
|  | <p>Insert the following text into Section 5A of the plan, under the heading 'Policies'.</p> <p><u>5A.4</u> The loss of river extent and values is avoided, unless the council is satisfied:</p> <ul style="list-style-type: none"> <li>(a) that there is a functional need for the activity in that location; and</li> <li>(b) the effects of the activity are managed by applying the effects management hierarchy.</li> </ul> | <p>The NPSFM 2020 directs councils to incorporate provisions into regional plans. Council has approved the incorporation of the text in grey, and minor changes to the Plan (e.g. a new policy number) are required.</p>  |
| Waitaki Catchment Water Allocation Regional Plan | <p>Amend the Table of Contents of the Plan to reflect the insertion of new Section 5A.</p>  | <p>Amendments to the Table of Contents are required as a consequence of the changes described below.</p>  |
|  | <p>After Chapter 5 (Issues to be addressed) and before Chapter 6 (Objectives), insert a new section titled as follows:</p> <p><u>Chapter 5A – National Direction.</u></p> <p><u>This section of the Plan contains provisions that have been incorporated into the Plan in accordance with directions in a national policy statement, national planning standard or other national direction.</u></p>                            | <p>Sections 55(2) and s558(1)(2) of the RMA state that if a national policy statement or national planning standard so directs, local authorities must amend their planning documents to incorporate specific provisions. Once these provisions have been incorporated they cannot be amended through future plan changes.</p> <p>The inclusion of this new section and explanatory text will assist plan users to distinguish provisions incorporated in response to 'national direction' from other provisions in the plan.</p> |
|  | <p>Insert the following sub-heading into Section 4A of the Plan.</p> <p><u>Policies</u></p> <p>Relocate Policies 1A and 1B in the operative Plan to beneath this new subheading and renumber as Policies 5A.1 and 5A.2</p>  | <p>Policies 1A and 1B were incorporated into the Plan in accordance with directions in the NPSFM 2014 (amended 2017).</p> <p>A more appropriate location for these policies is within Section 5A of the Plan.</p>   |

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|  | <p>Insert the following text into Section 5A of the plan, under the heading 'Policies'.</p> <p><u>5A.3</u></p> <p>(a) the loss of extent or values arises from any of the following:</p> <ul style="list-style-type: none"> <li>(i) the customary harvest of food or resources undertaken in accordance with tikanga Māori</li> <li>(ii) restoration activities</li> <li>(iii) scientific research</li> <li>(iv) the sustainable harvest of sphagnum moss</li> <li>(v) the construction or maintenance of wetland utility structures (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020)</li> <li>(vi) the maintenance or operation of specified infrastructure, or other infrastructure (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020</li> <li>(vii) natural hazard works (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020); or</li> </ul> <p>(b) the regional council is satisfied that:</p> <ul style="list-style-type: none"> <li>(i) the activity is necessary for the construction or upgrade of specified infrastructure; and</li> <li>(ii) the specified infrastructure will provide significant national or regional benefits; and</li> <li>(iii) there is a functional need for the specified infrastructure in that location; and</li> <li>(iv) the effects of the activity are managed through applying the effects management hierarchy.</li> </ul> | <p>The NPSFM 2020 directs councils to incorporate provisions into regional plans. Council has approved the incorporation of the text in grey, and minor changes to the Plan (e.g. new policy numbers) are required.</p>  |
|  | <p>Insert the following text into Section 5A of the plan, under the heading 'Policies'.</p> <p><u>5A.4</u> The loss of river extent and values is avoided, unless the council is satisfied:</p> <ul style="list-style-type: none"> <li>(a) that there is a functional need for the activity in that location; and</li> <li>(b) the effects of the activity are managed by applying the effects management hierarchy.</li> </ul>  | <p>The NPSFM 2020 directs councils to incorporate provisions into regional plans. Council has approved the incorporation of the text in grey, and minor changes to the Plan (e.g. a new policy number) are required.</p> |

It is considered appropriate to use Clause 20A to Schedule 1 to the RMA to amend the Canterbury freshwater plans for the following reasons:

- The authority for the change is provided in Part 4.3 of the NPSFM 2020.
- The recommended changes arise as a consequence of changes directed by the National Policy Statement for Freshwater Management 2020.
- The changes do not change the outcomes or policy intent.

### **Recommendation**

I recommend the above changes are approved under Clause 20A of Schedule 1 to the RMA as 'corrections of a minor effect', and a copy of the changes displayed on the Environment Canterbury Website.

Delegated Authority: Andrew Parrish, Regional Planning Manager

Signature:

A handwritten signature in black ink, consisting of a stylized 'A' followed by a large loop and a long horizontal stroke.

Date: 24 September 2020

## **Appendix 1 – Council resolution**

At a Council meeting on 24 September 2020 the Council **resolved:**

That the Council:

1. makes amendments to the regional plans listed in table 1 of this report to:
  - 1.1 include clause 3.26(1) of the National Policy Statement for Freshwater Management 2020 as a new objective (where relevant)
  - 1.2 included clauses 3.22(1) and 3.24(1) of the National Policy Statement for Freshwater Management 2020 as new policies.
2. Notes that if these amendments are approved, public notification of the changes will occur within five working days of the changes being made.

*Cr Megan Hands abstained from the vote.*